

WARREN CIRCUIT COURT LOCAL COURT RULES

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Pursuant to TR 79, the Warren Circuit Court makes the following rules regarding the reassignment to Special Judges in all matters other than criminal cases:

- (a) The following panel shall serve as Special Judge where appointed pursuant to TR 79(H), to be selected alphabetically by last name of Judge, in rotating order as follows:

Hon. David A. Ault, or Judge of Montgomery Superior Court # 1

Hon. Susan Orr Henderson, or Judge of Fountain Circuit Court

Hon. Peggy Lohorn, or Judge of Montgomery Superior Court # 2

Hon. Harry A. Siamas, or Judge of Montgomery Circuit Court

Hon. Sam A. Swaim, or Judge of Parke Circuit Court

Hon. Bruce V. Stengel, or Judge of Vermillion Circuit Court

In the event the Judge selected above is disqualified, ineligible or excused from service, the next Judge in order shall be appointed. In the event no Judge is eligible to serve as Special Judge, then such case shall be certified to the Supreme Court.

- (b) In the event the Judge disqualified or recused himself pursuant to Ind.Trial Rule 79(C) in any proceeding, other than a criminal case, the cause shall be assigned to Senior Judge Robert M. Hall or if he is not available for any reason, such case shall be assigned to Senior Judge Thomas K. Milligan.

Should Senior Judges Hall and Milligan be unable to serve for any reason, the procedure specified in paragraph (a) above shall be used.

The Judges named in this rule have all been consulted and agree to the procedures set forth in this rule.

(As amended effective July 1, 2011)

LR86-CR13-SJ-01**REASSIGNMENT TO SPECIAL JUDGE**

The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Warren Circuit Court:

Hon. Susan Orr Henderson, or Judge of the Fountain Circuit Court

Hon. Rex W. Kepner, or Judge of Benton Circuit Court

Hon. Bruce V. Stengel, or Judge of the Vermillion Circuit Court.

Hon. Randy J. Williams or Judge of Tippecanoe Superior Court # 1

In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above noted Judges.

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall then be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes the unique circumstance presented in such proceeding requires appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

(As amended effective July 1, 2011)

LR86-JR2-JS-01**PLAN FOR JURY SELECTION**

Pursuant to I.C. 33-28-5-1 et seq, the Court establishes a plan for jury selection. The Court Bailiff shall serve as Jury Commissioner.

The Plan shall include the following:

(1) Source of names for the master list:

Master List created by Jury Pool Project

(2) Form of the master list:

Computer Record

(3) Method of selecting names from the master list:

From original Jury Pool Project list in alphabetical order, names will be placed in random order using a computer program function. Thereafter, names will be selected in sequential order of the random list.

(4) Forms of and method for maintaining records of names drawn, jurors qualified, and juror's excuses and reasons to be excused:

Information shall be maintained as a computer record by quarter and date.

(5) Method of drawing names of qualified jurors for prospective service:

Jury Commissioner and Judge shall review the number of qualified jurors reasonably expected for the next jury and select the same number in sequence after the last jury drawn from the random list.

(6) Procedures to be followed by prospective jurors in requesting to be excused from jury service:

Service may either be in writing pursuant to the "Juror Qualification, Exemption and Deferral Form" or oral with the reason noted and the Judge's ruling thereon noted on the computer record.

(7) Number of petit jurors that constitute a panel for civil and criminal cases or a description of the uniform manner in which this determination is made:

Jury Commissioner and Judge shall determine the number of jurors for each panel by considering Jury Rule 16 and the type of case.

(Approved effective First Quarter, 2006)

LR86-AR1.1-CL-01

**PLAN FOR ALLOCATION OF
JUDICIAL RESOURCES**

(A) The caseload of the Warren Circuit Court, Warren County, Indiana, being the only Court in Warren County, Indiana, shall be handled by the sole Judge of the Warren Circuit Court of Warren County, Indiana, within the provisions of the Constitution of the State of Indiana, Article 7, Section 8.

(B) Until such time as more than one (1) Court is created for Warren County, Indiana, which is the 21st Judicial Circuit, there is no need for further review of this Rule or for the establishment of any method of administration other than the Judge's Oath of Office.

(C) This Rule shall not affect the handling of cases of the Warren Circuit Court by Special Judges, Judges Pro-Tempore, or other Judges authorized by law to handle cases in the Warren Circuit Court.

(Approved September 30, 1999)

Pursuant to Administrative Rule 15 of the Indiana Supreme Court, the Warren Circuit Court now adopts the following Local Administrative Rule 15: Court Reporters, by which all court reporter services in Warren County shall be governed until further Order of Court.

A. All definitions set forth in Administrative Rule 15 of the Indiana Supreme Court are adopted for the purpose of this Rule;

B. The Court Reporter appointed by the Warren Circuit Court from time to time shall be paid an annual salary as set each year in the budget of the Court and approved by the Warren County Council, and said salary shall be paid for time spent working under the control, direction and direct supervision of the Court during any regular working hours, gap hours or overtime hours;

C. The per page fee for Warren County indigent transcript preparation is designated as \$2.50 per page;

D. Upon preparation of an indigent transcript, the Court Reporter shall submit directly to the County a claim for the same upon a form designated by the Auditor of the County;

E. The maximum per page fee that the Court Reporter may charge for a county indigent transcript, a state indigent transcript and a private transcript is \$2.50 per page;

F. The Court Reporter shall be required to report at least on an annual basis to the Division of State Court Administration on forms designated by the Division all transcript fees of all types received by the Court Reporter;

G. The Court Reporter shall not engage in private practice through recording of a deposition and/or preparing of a deposition transcript by the use of the Court's equipment, work space or supplies;

H. If the Court Reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, the Court Reporter shall do so using the Reporter's own equipment, supplies and work space, and any and all of such private practice shall be conducted outside the regular working hours of the Court on the Court Reporter's own time;

I. In the event the Court Reporter prepares county indigent or state indigent transcripts or private transcripts, and the same involves gap and/or overtime hours, the Court and the Reporter shall enter a written agreement outlining the manner in which the

Reporter is to be compensated for such gap and overtime hours, and such compensation shall be in the form of compensatory time off regular work hours.

(Adopted by the Warren Circuit Court, May 26, 1998)

LR 86-AR 1-01

COURT ALCOHOL AND DRUG PROGRAM FEES

All individuals ordered to enroll in the Warren County Court Alcohol and Drug Program may be charged up to a maximum provided for by Indiana Code 12-23-14-16, as amended.

(Effective February 23, 2007)

LR 86-WR-BAC-01

**ALLOCATION OF JUDICIAL RESOURCES
WITHIN DISTRICT 11 PERTAINING TO
BI-COUNTY ACCOUNTABILITY COURT**

The Bi-County Accountability Court (BAC) is a problem solving drug court of the Fountain and Warren Circuit Courts.

In order to facilitate the judicial work of the Bi-County Accountability Court certain accommodations regarding jurisdiction and oversight of cases are in order. A person accepted into the BAC consents to the jurisdiction of the case being transferred to the concurrent jurisdiction of Fountain Circuit Court and the Warren Circuit Court during the period of time that case remains in the BAC.

The Judge of the Warren Circuit Court shall be deemed the Supervising Judge and the Judge of the Fountain Circuit Court shall be deemed the Coordinating Judge. The Judges from the Fountain and Warren Circuit Courts are assigned to and may preside over BAC cases and proceedings including but not limited to judicial participation in compliance with any of the standards and protocols of the BAC as approved by the Indiana Judicial Center for problem solving courts.

The court with original jurisdiction resumes jurisdiction of the case upon either the successful completion or the expulsion of the person from the BAC. If expelled from the BAC the court with original jurisdiction shall be responsible for the imposition of any sanctions or sentencing as authorized by law.

(Effective March 1, 2012)

The Bi-County Accountability Court (BAC) is a problem solving drug court of the Fountain and Warren Circuit Courts.

Those persons directed to participate in the Bi-County Accountability Court shall pay a \$100 administrative fee as well as a problem-solving court services fee of \$50 for each month of problem-solving court participation in accordance with IC 33-23-16-23, as amended. The Clerk of the Warren Circuit Court shall collect and transmit these fees within thirty (30) days after the fees are collected for deposit by the Warren County Auditor in the Bi-County Accountability Court User Fee Fund established under IC 33-37-8, as amended.

(Effective June 5, 2012)

DISTRICT 11 RULE**JURISDICTION OF SENIOR JUDGES****DR11-AR 5(B)-SJ-01**

The District 11 Plan with respect to the allocation of judicial resources within the District shall be amended as follows for the counties of Fountain and Warren:

Jurisdiction of Senior Judges

For those Senior Judges specifically named in and subsequently approved from the Court's Order seeking appointment of Senior Judges, such Senior Judges shall have jurisdiction in the emergency matters enumerated below without a prior order for such emergency matter. Such Senior Judge shall within five (5) business days notify the regular Judge of such emergency matter action and the regular Judge shall cause an order to be issued regarding such emergency matter jurisdiction. Such Senior Judge notification can be in any form reasonably calculated to inform the Court and shall not affect the jurisdiction to issue such emergency order. The Court's order shall be filed in the Record of Judgments and Orders of the court and a copy sent to the Division of State Court Administration.

Emergency matters shall include:

- 1. Emergency Detention Orders**
- 2. Civil Protection Orders**
- 3. Workplace Violence Restraining Orders**
- 4. Search Warrants**
- 5. Arrest Warrants**
- 6. Probable Cause Determinations within 48 hours of warrantless arrest**
(County of Riverside v. McLaughlin)
- 7. Temporary Restraining Orders**
- 8. Emergency CHINS Orders**
- 9. Emergency Delinquency Orders**